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SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. KUKAN (Slovakia)

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(a) RIGHT OF PEOPLES TO SELF-DETERMINATION

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* Items considered together.

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357 and A/48/385)

1. Mr. BERNALES BALLESTEROS (Special Rapporteur on the question of the use of mercenaries), introducing the report contained in document A/48/385, said that today there was an increasingly marked trend towards discarding ethical and legal scruples and resorting to the use of mercenaries for illegal activities against the human rights of peoples and self-determination. The reason was that the end of the cold war had seen the appearance and proliferation of armed conflicts caused by the creation of new States and the resurgence of extremist nationalist movements and deep-seated ethnic and religious intolerance. The situation constituted a fertile breeding ground for the proliferation of foreign mercenaries - in particular, those emerging from the disbandment of regular armed forces - a state of affairs which prolonged conflicts and rendered them still more bloody and inhuman.

2. Of particular note was the complexity of the new measures employed for the use of mercenaries and the use of standard legal procedures as a cover-up: they might be presented as citizens of the country in whose armed conflict they were involved. Nevertheless, the origin of the contractual relationship, the place of permanent residence, payment, the type of services contracted for and the simultaneous use of other nationalities and passports could serve as indications of the true nationality of individuals suspected with good cause of being mercenaries, in particular, individuals who legally held dual nationality and intentionally caused criminal harm in one of the countries whose nationality they held on instructions of their other country of nationality.

3. Despite having resolved some of its armed conflicts, Africa remained the continent most affected by the presence of mercenaries: Angola, Benin, Botswana, Comoros, Lesotho, Liberia, Mozambique, Namibia, Zimbabwe, Zaire and Zambia were, among others, countries in which there had been recent mercenary activity, which in some cases was continuing. Moreover those countries and others not belonging to the southern African region had suffered aggression at the hands of mercenaries as a result of the policy of apartheid, originating in South Africa but with ramifications that extended beyond the continent.

4. In Angola the hope which in the previous year's report had seemed to presage movement towards peace and national reconciliation had dissipated in the face of action by UNITA, which had not accepted the results of the elections of the year before or of the Lisbon peace agreements and had relaunched a vicious civil war. Reports indicated that groups of mercenaries, mainly of Zairian and South African nationality, were operating in Angolan territory along the border with Zaire. Further, information had been received that former mercenaries, members of the 31st and 32nd Battalions of the South African Defence Forces, had

(Mr. Bernales Ballesteros)

been recruited as security guards by the South African company Executive Outcomes to protect Angolan oil installations and refineries.

5. Liberia and Zaire had also witnessed acts of violence by mercenaries in Africa, as detailed in paragraphs 77 to 84 of the report. In South Africa, on whose process of eliminating apartheid and democratization there was abundant information in the report, external aggression, with the use of mercenaries, had ceased. Nevertheless, there was cause for concern over the presence of extremist groups, such as the Afrikaner Resistance Movement, which promoted racial and inter-ethnic violence and took part in acts of violence and crimes by armed bands of mercenaries.

6. In Bosnia and Herzegovina, the parties to the conflict had reported the presence of mercenaries. With regard to some or all of them ius sanguinis had been invoked to consider them nationals, and not mercenaries. He indicated his willingness to visit the territories of the former Yugoslavia and conduct the necessary investigations to clarify the facts, in coordination with the Rapporteur appointed by the Commission on Human Rights to monitor that situation.

7. The report provided an analysis, with detailed information, of the participation of mercenaries in the armed conflicts taking place in some States which had emerged from the territory of the former Soviet Union, such as that opposing Armenia against Azerbaijan over the Nagorny Karabakh enclave, and those involving Georgia, Moldova and Tajikistan. Those conflicts involved troops and other military personnel from other States who had apparently become mercenaries as a solution to their financial difficulties. He indicated that he had written to those countries seeking up-to-date information on the matter and suggesting the possibility of conducting on-sight investigations; responses had so far been received from Moldova, Tajikistan, Ukraine and the Russian Federation.

8. Mr. MARKER (Pakistan) said that his country, one of the first to achieve independence after the Second World War through the exercise of the right of peoples to self-determination, had always supported the struggle of other peoples subjected to colonial domination or foreign occupation to enjoy that same right. Accordingly he welcomed the positive steps taken towards multiracial and democratic rule in South Africa, and the movement towards resolution of the Middle East conflict. Regarding the latter, he trusted that it would pave the way for the exercise of the right to self-determination by the Palestinian people.

9. The liberation of Afghanistan and the fall of the Berlin Wall, which had heralded the end of the cold war, represented the triumph of the right of self-determination and had foreshadowed the most widespread exercise of that right since the process of decolonization in Asia and Africa in the 1950s and 1960s. Yet that acceleration in the exercise of self-determination had also in some cases been accompanied by its antithesis, the resurgence of external domination and expansion. For example, in Bosnia and Herzegovina, the wish of the majority of the people for national independence and unity had been virtually extinguished by external aggression and genocide.

(Mr. Marker, Pakistan)

10. The basic principle underlying a political solution to all those conflicts must be that the peoples and nations concerned should be allowed to exercise their right to self-determination without external intervention or coercion. It was surprising that those very States which had celebrated the victory of the values of democracy and human rights in the former communist world should now so readily concur that the suppression of the dictates of democracy, human rights and self-determination could be justified in certain regions by the need to preserve stability. Such opportunism, masquerading as pragmatism, would neither bring peace nor foster democracy. The principles and values which had "won" the cold war were surely as valid in the rest of the world as they had been in Central and Eastern Europe.

11. It was ironic that the people of Jammu and Kashmir, whose right to self-determination had been the first such right to be recognized by the United Nations, had yet to exercise that right. Although Indian leaders had, on numerous occasions, expressed their agreement to the principle of self-determination for the people of Jammu and Kashmir, a principle reaffirmed in several Security Council resolutions, India had not lived up to its pledge to Pakistan, the United Nations and the people of Jammu and Kashmir. From 1948 to 1954, Pakistan had accepted all the proposals made by the United Nations Commission on India and Pakistan, the United Nations Plebiscite Administrator, the President of the Security Council, the United Nations mediator, the Commonwealth Prime Ministers and the Security Council itself with a view to implementing the resolutions on Kashmir. India, however, had rejected each and every one of them.

12. In 1951, India had sought to compromise the status of Jammu and Kashmir by creating a bogus "constituent assembly" for the State. The Security Council, in its resolution 91 (1951), had affirmed that the convening of a constituent assembly and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the principle of a free and impartial plebiscite which had been agreed on in the Security Council resolutions. The United Nations Military Observer Group in India and Pakistan (UNMOGIP) had been monitoring the cease-fire in Jammu and Kashmir since 1949. However, India was preventing UNMOGIP from discharging its mandate.

13. Under the 1972 Simla Agreement, India and Pakistan had agreed to resolve the Kashmir issue through bilateral negotiations or any other peaceful means mutually agreed upon between them. In accordance with that Agreement, Pakistan had made several attempts to engage India in a substantive dialogue on Kashmir. Unfortunately, India had rejected all those overtures.

14. For over four decades, India had occupied and ruled Jammu and Kashmir by force. The legitimate representatives of the Kashmiri people had been outlawed, and the elections held in Kashmir had been characterized by massive fraud. In late 1989, the Kashmiri people had launched a campaign to secure freedom from Indian rule. The campaign had been largely peaceful until 20 January 1990, when Indian troops had opened fire indiscriminately on demonstrators in Srinagar, killing over 100 people. Since then, the Kashmiri people had been subjected to brutal repression, aimed at demoralizing and terrorizing them. Reputable international organizations, such as Amnesty International, had attested to

(Mr. Marker, Pakistan)

extrajudicial and summary executions, murders of detainees, disappearances, rape, torture, arson and other grave violations of human rights in Indian-occupied Kashmir.

15. India had further escalated its campaign of military repression in Kashmir by sending additional forces to the occupied territory, over and above the 500,000 troops already occupying the area. However, despite its savage military onslaught, India had not succeeded in intimidating the Kashmiri people, who were continuing their struggle for freedom. The people of Kashmir had made clear their firm decision not to accept any solution which kept Kashmir under Indian rule. Pakistan, which wholeheartedly supported the valiant struggle of the Kashmiri people, had exercised extreme self-restraint in order to avoid war, and was limiting itself to providing them with moral, political and diplomatic support. However, Indian troops often fired at civilians on the Pakistani side of the Line of Control and, since 1990, had killed over 600. Recently, they had fired on an UNMOGIP observer on the Pakistani side of the Line of Control.

16. Pakistan had welcomed the Secretary-General's offer to use his good offices to help to resolve the Kashmiri problem, and hoped that India would also do so. However, if there was to be any possibility of resolving the conflict, India must abandon its policy of repression in Kashmir and permit the people to exercise freely their right to self-determination.

17. Mr. TROTTIER (Canada) said that his country welcomed the appointment, at the forty-ninth session of the Commission on Human Rights, of a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. Various guiding instruments on that subject existed, others were being developed, and the majority of States were party to the International Convention on the Elimination of All Forms of Racial Discrimination. That Convention, and the Committee established under it, were key to the efforts to eliminate racism throughout the world. Canada urged States parties to the Convention to submit their reports to the Committee in a timely manner. It also welcomed the decision to amend the Convention so that the Committee's activities could be funded from the United Nations regular budget. That was an initiative which Canada had been supporting for a long time, and his delegation urged States parties to ratify the amendment so that it could enter into force.

18. Despite the achievements made in combating racism, examples of discrimination on the basis of colour, ethnic heritage or social or cultural differences could be found in all parts of the world; Canada was no exception as minorities and aboriginal peoples had represented 6 per cent and 4 per cent respectively of its population in 1986, and those percentages were growing. However, Canada's position that racism and racial discrimination were inconsistent with its laws and ideals was very clear. The Constitution stipulated that the right to equality should be interpreted with due respect for the multicultural heritage of Canadians.

19. Nevertheless, laws were insufficient to combat the rise in racism and racial discrimination throughout the world. Accordingly, all States and the United Nations must develop education programmes to promote harmony among different groups. In 1989, Canada had launched a public education campaign to

(Mr. Trottier, Canada)

combat racism and racial discrimination which had grown each year. Moreover, support was being provided for community efforts and for private and public institutions working to ensure equal access and opportunity. Like some States members of the European Community, Canada was increasingly concerned at the activities of hate groups, which used rapidly developing telecommunications networks to disseminate their propaganda.

20. With regard to South Africa, the historic agreement of September 1993 was a tribute to the determination of all South Africans opposed to racism. After three years of difficult negotiations, the elections would put an end to institutionalized apartheid and would pave the way for a new, non-racial South Africa. However, politically motivated violence persisted in South Africa. Canada once again called upon all parties to do their utmost to bring an end to the violence. An end to racism and respect for democratic values went hand in hand, and all parties must endeavour to encourage the climate of political and social tolerance that was required to combat the legacy of apartheid.

21. Canada and other members of the international community had responded favourably to requests to send international observers to South Africa during the period leading up to the elections in April 1994. His delegation was pleased to report that the Commonwealth had renewed its observer mission to South Africa; that mission, in which Canada was participating, was working closely with other international groups to ensure the implementation of the National Peace Accord.

22. With regard to Yugoslavia, the international community could not abandon its fight against the totally unacceptable phenomenon of ethnic cleansing. Despite all the efforts made by the international community to end the violence and bloodshed in the former Yugoslavia, such violence and human rights abuses were not only continuing, but increasing on a daily basis. It was particularly deplorable that ethnic cleansing continued to be used as a weapon in that senseless war.

23. Mr. KEATING (New Zealand) said that despite the international community's efforts to combat those phenomena, individually and collectively, racism and racial discrimination were still a depressing reality in many parts of the world. New Zealand acknowledged and was seriously committed to participating in collective efforts to fight against racism throughout the world and called upon all countries and peoples to do likewise.

24. New Zealand, which was home to people of many races, particularly the indigenous population, was also committed to eliminating racism within the country and while the Government could not claim that New Zealand society was wholly free from racial discrimination or the consequences of earlier problems, it was determined to achieve equality and non-discrimination with the help of its citizens.

25. Consistent with the Treaty of Waitangi - the founding document of New Zealand - the Government had tried to ensure that the rights and concerns of the indigenous Maori people were accorded special priority. The Maori and the New Zealand Government had established a firm working partnership which was continuing to grow rapidly.

(Mr. Keating, New Zealand)

26. The Ministry for Maori Development continued to play a central role in the process of fine tuning the structure of government agencies to ensure that the Maori attained their development goals. The Government's determination to develop an environment of opportunity and choice for the Maori was based not only on the moral imperative of righting past injustices but was also an investment in the country's social, cultural and economic future, whose diversity could become one of its greatest assets.

27. New Zealand, which had been a long-standing opponent of apartheid, welcomed the advances achieved in South Africa, in particular, the announcement that the first multiracial elections would be held on 27 April 1994 and the decision of the South African Parliament in September to establish a Transitional Executive Council. New Zealand urged all parties to give their full support to the transitional process and to participate in the negotiations with a view to drafting an interim constitution. The electoral process itself would be a huge challenge: the recent escalation of violence indicated the need to find a broadly based solution and avoid delays which could lead to further tragedy.

28. The international community must perform its important role of encouraging the parties to continue the current process of change and to support South Africa's reintegration into the international community for the benefit of all its citizens. New Zealand, for its part, would continue to support the activities of the United Nations and the Commonwealth in support of South Africa's transition towards the establishment of a fully democratic non-racial society.

29. Unfortunately, while progress had been achieved in South Africa, the shocking manifestation of racism in the former Yugoslavia was a step backward. Ethnic cleansing - a phenomenon so horrible and unexpected that new language had had to be coined to describe it - covered a multitude of gross violations of human rights such as systematic expulsion, forcible relocation, destruction of dwellings, degrading treatment of human beings, rape and killings. New Zealand, concerned about the question, had supported the establishment of a war crimes tribunal for the former Yugoslavia and attached the highest priority to the full achievement of the tribunal's mandate.

30. While apartheid and ethnic cleansing had been priority issues for international attention, the United Nations must continue to fight against racism in all its forms. In that regard, New Zealand welcomed the decision taken by the Commission on Human Rights to appoint a Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance. Close collaboration would be required between the Special Rapporteur and other United Nations mechanisms dealing with human rights issues.

31. New Zealand acknowledged the important work being done by the Committee on Racial Discrimination, which was responsible for monitoring and reviewing actions by States parties to fulfil their obligations under the Convention on the Elimination of All Forms of Racial Discrimination. His country also welcomed the decision by the States parties to the Convention to amend the Convention in order to improve the Committee's financial situation. New Zealand had ratified the relevant amendment and urged other States parties to do

(Mr. Keating, New Zealand)

likewise bearing in mind that the amendment would enter into force when accepted by a two-thirds majority of States parties.

32. The elimination of racism, the essential goal of the first two decades to combat racism and racial discrimination, was yet to be achieved and in that connection his delegation had studied with great interest the draft programme of action for a third decade to combat racism and racial discrimination (1993-2003) and looked forward to discussions on the draft in the Third Committee.

33. Mr. AL-SAEID (Kuwait) said that Kuwait rejected all acts of racial discrimination that jeopardized human dignity and values, the norms of civilized societies and the teachings of Islam enshrined in the Koran.

34. He welcomed the progress achieved in South Africa towards the elimination of apartheid resulting from the struggle of the South African people and the support of the international community, thus starting the country on a path to equality and justice.

35. His country was shocked by the outlandish practice of ethnic cleansing carried out by the Serbs against the Muslims in Bosnia and Herzegovina for religious reasons; the international community must assume its responsibility and put pressure on the Serbs to stop the genocide.

36. Kuwait firmly believed in self-determination, a principle it had always supported, in particular by co-sponsoring resolutions on the subject. Therefore, it welcomed the agreement signed between Israel and Palestine as a first step towards the establishment of a Palestinian State. In that connection, he hoped that fresh progress would be made in the negotiations with Lebanon and Syria in order to bring peace to the Middle East.

37. Mr. NIETO (Argentina) said that in paragraphs 32 and 33 of his report (A/48/385) the Special Rapporteur on the question of the use of mercenaries had made reference to serious allegations of clandestine activities involving the recruitment and training of mercenaries in Argentina and quoted a communication from the Permanent Mission of the Argentine Republic to the United Nations Office at Geneva which indicated that the investigations carried out by the Argentine authorities on that subject had turned nothing up. His Government was not linked in any way whatsoever to the problem and disclaimed responsibility for any acts committed. Nevertheless, the investigations would continue and the Special Rapporteur would be informed through the Centre for Human Rights of any new information that might be useful to him in carrying out his task. He reaffirmed Argentina's commitment to the implementation of multilateral instruments relating to the fight against the use of mercenaries and to strict compliance with the provisions of international law on the subject.

38. Mr. SUTOYO (Indonesia) said that the Jakarta Message, elaborated at the Tenth Conference of Heads of State or Government of Non-Aligned Countries, had recognized new forms of racism and had concretely defined nationalism as a major and dangerous obstacle to harmonious coexistence, which had even led to the disintegration of States and societies.

(Mr. Sutoyo, Indonesia)

39. The advent of a new world order based on the rule of law and the peaceful settlement of disputes was being increasingly challenged by mounting regional unrest and, at times, outright violence, arising from persistent and generalized feelings of racial and ethnic superiority and from distorted forms of nationalism and racial bigotry.

40. It was unfortunate that, at the conclusion of the Second Decade to Combat Racism and Racial Discrimination, the United Nations had still not achieved its lofty goals; even the recent activities outlined in the plan of action adopted in resolution 42/47 had not been implemented because of a lack of financial resources. His country therefore noted with satisfaction that at its forty-seventh session, the General Assembly had reaffirmed that the international community should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid, which were essential to establishing a new world order founded on tolerance and respect for human rights.

41. The launching of a third decade to combat racism and racial discrimination was another important initiative. In its resolution 1993/11, the Commission on Human Rights had addressed the question of the implementation of the Programme of Action for the Second Decade and the launching of a third decade and had recommended carrying out the activities proposed by the Secretary-General in his report to the forty-seventh General Assembly (A/47/432). Indonesia supported those proposals and was pleased to see that they included the mobilization of public opinion and educational and multicultural activities at the regional and national levels, in addition to seminars and workshops at the international level. His country also supported the view expressed at the Second World Conference to Combat Racism and Racial Discrimination on the importance of education, teaching and training for the achievement of that objective.

42. With regard to the question of South Africa, it was heartening to observe that the determined efforts by the leaders of the South African majority to initiate a peaceful dialogue had begun to meet with success and yield practical results, such as the multiparty elections in South Africa to be held in April 1994. Indonesia supported the legitimate demands of the majority of the South African people for the establishment, through democratic elections, of a constituent assembly to draw up a non-racial and democratic constitution. Furthermore, it urged all participants in the negotiations to redouble their efforts to reach agreement on the fundamental questions of an interim government or transitional authority and the establishment of a constituent assembly. Indonesia welcomed the historic compromise that had resulted in the establishment of the Transitional Executive Council, which could represent an irreversible move towards the abolition of apartheid.

43. On the basis of those positive developments, Indonesia supported the resolution lifting economic sanctions against South Africa and would follow closely the transition period and the process of democratization in that country; it noted, however, that concerted development programmes were necessary to eliminate all vestiges of racism and racial discrimination.

(Mr. Sutoyo, Indonesia)

44. Bosnia and Herzegovina, a multi-ethnic, multicultural and multi-religious society decimated by bloody civil strife and ethnic cleansing, remained a dilemma for the international community. His country would continue to give its full support to the Government and people of Bosnia and Herzegovina in their legitimate struggle to find a just and viable settlement which provided adequate international guarantees for their political and territorial integrity.

45. Indonesia continued to monitor developments in the Middle East, where the Palestinian people had made significant strides towards the exercise of its right to self-determination. The first steps in the peace process had been reflected in the declaration of principles on Palestinian interim self-government arrangements in the occupied territories. Indonesia would continue to lend its unwavering support to the Palestinian people in an effort to secure its inalienable right to self-determination and to support the peace process.

46. Lastly, Indonesia fervently hoped that the coming decade to combat racism and racial discrimination would receive not only the rhetorical support of the international community but also the material resources necessary to implement its current and future plans of activity.

47. Mr. CALOVSKI (the former Yugoslav Republic of Macedonia) said that the Vienna World Conference on Human Rights and events throughout the world made it clear that the struggle to eliminate all forms of racial discrimination was far from over. The United Nations needed to contribute in a significant and decisive way to that effort. Furthermore, the elimination of all forms of racial discrimination should be an essential component of all the other processes and efforts directed at improving the situation at the regional, national and international levels since it was not possible to combat that phenomenon in isolation.

48. The Balkan region was witnessing a rise in nationalism, a form of racial discrimination which it had been impossible to stop thus far. The events in Bosnia and Herzegovina were in part a result of that phenomenon, the worst form of which was ethnic cleansing, and of the international community's inability to stop it.

49. All States should begin by recognizing the existence of national, ethnic, religious and linguistic minorities since theirs was an inviolable and fundamental human right. The principles enshrined in all the United Nations instruments on that matter should be respected.

50. The results of the Vienna Conference would facilitate the Third Committee's work in the area of human rights. Tribute should be paid to the Government of Austria and the Centre for Human Rights for their efforts.

51. Recent positive developments in the Middle East and in South Africa would contribute significantly to improving the situation in those regions and in the world, not only from a political perspective but also from the viewpoint of the struggle against all forms of racial discrimination.

(Mr. Calovski, the former Yugoslav Republic of Macedonia)

52. It was important to provide unconditional support for the Committee for the Elimination of Racial Discrimination, one of the most important tools available to the United Nations for combating racial discrimination; the Committee's work should not be impeded by financial constraints. The Secretary-General or the Centre for Human Rights should be requested to prepare a special report on the work of the Committee at the national and international levels, to be presented to the General Assembly at its fiftieth session.

53. Lastly, he wished to point out that although many speakers were using the phrase "military hostilities in ex or the former Yugoslavia", in reality there was no war in the Republic of Macedonia, or in Slovenia, or in Serbia and Montenegro. It was therefore correct to speak of military hostilities in Bosnia and Herzegovina and in Croatia but not in the "former Yugoslavia".

54. Mr. ABDULLAH (India), speaking in exercise of the right of reply, said that he had found in the statement of Pakistan a concerted effort to destroy a noble concept which had played a historic role for the greater part of the current century, but which, like all great ideas in history, was time-specific and context-specific.

55. The assertion of the representative of Pakistan regarding the status of the Indian State of Jammu and Kashmir was wrong in fact, untenable in law and intended to mislead. He wondered whether the delegation of Pakistan would controvert the fact that the legal and constitutional instrument by which the modern States of India and Pakistan had come into existence had been an act of the British Parliament known as the Indian Independence Act. Section 7 (b) of that Act stipulated that the entities known as the princely States, which had had a treaty relationship with the British Crown and acknowledged British suzerainty, had been free to exercise the right to join either India or Pakistan, or even to remain independent. Pursuant to that Act, a large number of princely States had joined India and at least 10 of them had joined Pakistan. If Pakistan currently questioned the legality of the accession of Jammu and Kashmir to India, it questioned by the same logic the legality of the accession of the States which had joined Pakistan and whose territories were currently an integral part of the Islamic Republic of Pakistan. He hoped that the delegation of Pakistan understood the implications of the statements which it made in pursuit of its obsessive urge to acquire by means mostly foul a part of the territory of India.

56. Another inconsistency in Pakistan's argument was that Jammu and Kashmir was disputed territory and that the dispute could only be settled if the people of the area exercised their right to self-determination through a plebiscite. Even if he were to accept that claim, there would still be the gross illogic of Pakistan's actions in that part of the territory of Jammu and Kashmir which was under illegal occupation. It was well known that any suggestion of self-determination in that part of the State was forbidden by law.

57. As if that were not enough, Pakistan had administratively and legally annexed another part of the State known as the Northern Areas. The legality of that action had also been called into question. For Pakistan, the right to self-determination meant its right to determine its own destiny and that of

(Mr. Abdullah, India)

others. He wondered how long the Committee would be subjected to such sophistry and chicanery.

58. India wished to live in peace with Pakistan and was ready to settle all the issues between the two countries through bilateral dialogue under the Simla Agreement.

59. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that the representative of India had claimed that Kashmir was a part of India, but that on 16 August he had asserted in London, in a statement to the BBC, that the problem of Kashmir should be resolved among the three parties concerned, namely, India, Pakistan, and Kashmir itself.

60. He had now changed his position - not for the first time - and had said that the princely States of the former British India had been given the freedom to decide whether they wished to become part of India or of Pakistan. The representative of India had not taken into account the make-up of the population of each State, its geographic location or the wishes of the people. The State of Hyderabad, with 17 million inhabitants, had declared its independence in 1947. India had invaded it and had incorporated it into the Union. The State of Manavadar, which had had an Indian majority but which had been governed by a Muslim ruler, had chosen to join Pakistan and it too had been invaded and incorporated into the Union. The State of Jammu and Kashmir had been ruled by an Indian Maharajah, but its population had been majority Muslim and that majority had voted against the wishes of the Indian Maharajah, who had then requested help from India. India had sent its troops to the territory in exchange for an alleged letter of accession to the Union. There was no evidence, however, that the Maharajah of Kashmir had signed such a letter, and even if he had done so, that action had been overturned by the resolutions of the Security Council, which had clearly stated that the future of the State of Jammu and Kashmir should be decided by the people of that State through a plebiscite sponsored by the United Nations.

61. Both before and after the adoption of those resolutions, the Prime Minister of India had reiterated that his country was committed to implementing them. Between 1948 and 1953, various organs of the United Nations, the Commonwealth and other mediators had proposed formulas for implementing the resolutions. Pakistan had accepted all the resolutions, whereas India had accepted none. The proposal to send a Commonwealth force to supervise the plebiscite had been accepted by Pakistan, but not by India.

62. The representative of India had referred to administrative arrangements made by Pakistan in a part of the territory of Jammu and Kashmir, but the question was whether he would accept a free and fair plebiscite in the whole of Kashmir under United Nations auspices. When India indicated its readiness to accept it, Pakistan would accept all the conditions which the Security Council or the United Nations considered fair.

63. Mr. ABDULLAH (India), speaking in exercise of the right of reply, said that he wished to apprise those who were unfamiliar with the problem of Kashmir that, at the time of the partition of India, the Maharajah had still not decided which State he would join, nor had it been expected that the people would express

(Mr. Abdullah, India)

their preference. Pakistan had launched a military attack on Kashmir and in 1948 had used highly trained guerrillas to rape women and burn homes, all in a quick campaign to occupy the territory by force. Pakistan had hoped that, being a Muslim-majority State, Kashmir would side with it. Bangladesh, known at the time as East Pakistan, had also been a Muslim territory and should therefore have remained a part of Pakistan. Islam alone, however, did not bind the peoples of those territories.

64. The international community still recalled the guerrilla attacks and two subsequent attacks launched to gain control of the territory. Since the Pakistanis had still failed to gain control of Jammu and Kashmir, they had launched a further attack. They had trained guerrillas in their territory, including not only persons of Kashmiri origin, but also nationals of many Arab countries. They had burnt hospitals, schools and the homes of persons who had not agreed to become part of Pakistan. The question was whether Pakistan wanted peace in the region and whether it wanted all people to live in peace and harmony in those areas of India where there were large Muslim populations. India wanted peace, but not at gunpoint. The Pakistanis continued to kill people while claiming that they were only providing moral support.

65. Without question, the people of Jammu and Kashmir were suffering. Tourism had come to a standstill and the livelihood of the State's population was threatened by the daily clash of arms. The question was whether terrorism should be combated or be allowed to triumph. If it were allowed to triumph, every country would run the risk of being invaded, occupied and deprived of freedom. India wanted Pakistan to prosper and grow, and in turn wanted Pakistan to permit it to prosper in harmony and fraternity. Every individual, whatever religion he professed, had the right to live in peace.

66. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that, while he too naturally wanted the people of Kashmir to be able to live in peace, he wished to say to the representative of India that it should not be the peace of the grave, which was what the Indian army of half a million men - one soldier for each two local men - was offering to the people of the occupied territory of Jammu and Kashmir.

67. The representative of India had said that Pakistan had tried to gain control of Kashmir by force, an allegation that was absolutely groundless, as the representative was well aware. The best solution would be for India to agree to the holding of a referendum which would permit the truth to emerge. His country had no wish to take control of the territory by force, which, in any event, was impossible, given the strength and size of the Indian army. But the people of Kashmir had expressed their desire to free themselves from the Indian yoke. If Mr. Abdullah represented the sentiments of the population of Kashmir, he should return to that territory and be a candidate in elections. The result would be a foregone conclusion. On each occasion on which he had been elected, the elections had been rigged, as the Indian Minister of Home Affairs had himself acknowledged.

68. With regard to Bangladesh, Pakistan respected that country. But India, which was responsible for the aggression against Pakistan in 1971 and for the dismemberment of a State Member of the United Nations - which constituted a

(Mr. Akram, Pakistan)

violation of the Charter of the Organization and of international law - had no right to speak of Bangladesh and should not take pride in that event, since the same fate might await other countries. Indeed that fate had befallen many of those which at that time had supported the dismemberment of Pakistan.

The meeting rose at 5.15 p.m.